

H.B. 131

LIENS FOR PRECONSTRUCTION SERVICE AND CONSTRUCTION WORK

HOUSE FLOOR AMENDMENTS

AMENDMENT 2

FEBRUARY 17, 2012 8:16 AM

Representative **Michael T. Morley** proposes the following amendments:

1. Page 16, Line 476:

476 (e) not withdrawn under Subsection 38-1a-501 ~~{(6)}~~ (5) .

2. Page 17, Line 517:

517 construction lender's mortgage or trust deed, as provided in Section 38-1a- ~~{4}~~ 503 , by the person's

3. Page 18, Line 529:

529 (b) a preliminary notice under Section 38-1a-501 or Section 38-1b- ~~{201}~~ 202 ;

4. Page 19, Lines 557 through 558:

557 For purposes of this chapter ~~{,}~~ :

(1) an original contract is considered to exist between an

558 owner-builder as owner and the owner-builder as original contractor ~~{,}~~ ; and

(2) in addition to being an owner, an owner-builder is considered to be an original contractor.

5. Page 33, Lines 1016 through 1017:

1016 (1) Substantial compliance with the requirements of this chapter is sufficient to claim, as
1017 applicable, a preconstruction lien or a construction lien.

(2) Subsection (1) may not be construed to excuse compliance with or affect the requirement to file:

(a) a notice of retention as provided in Section 38-1a-401 in order to claim a preconstruction lien;

or

(b) a preliminary notice as provided in Section 38-1a-501 in order to claim a construction lien.

6. Page 34, Lines 1032 through 1033

House Committee Amendments

2-9-2012:

1032 ~~{(5) The division shall establish by rule a procedure for determining the validity of a~~
1033 ~~notice that is the subject of a request under Subsection (3).}~~

7. Page 48, Line 1474

House Committee Amendments

2-9-2012:

1474 Subsection [~~38-1-32(8)~~] 38-1a-501 ~~{(6)}~~ (5) .

8. *Page 48, Line 1477*

House Committee Amendments

2-9-2012:

1477 $\hat{H} \rightarrow$ ~~{Subject to Subsection 38-1a-503(2)(b).}~~ (1) {+} Construction {+}
 ~~{construction}~~ $\leftarrow \hat{H}$ liens on a

9. *Page 48, Line 1480*

House Committee Amendments

2-9-2012:

1480 claimed is provided.

(2) Subsection (1) relates to the relationship between claimants' construction liens and does not affect the priority of a construction lender's mortgage or trust deed, as established under this chapter.

10. *Page 57, Line 1757:*

1757 (1) In an action under this part , subject to the time restrictions under Subsection 38-1a-701(2) .

11. *Page 68, Line 2104:*

2104 (7) "Government project-identifying ~~{number}~~ information " means: